

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of
THE COMMONWEALTH OF PUERTO RICO, *et al*
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**INFORMATIVE MOTION OF THE FINANCIAL
OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO
REGARDING ORDER CONCERNING REPLY IN SUPPORT OF THE
THREE HUNDRED SIXTY-FIRST OMNIBUS OBJECTION TO CLAIMS**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

Pursuant to the Court's *Order Concerning Reply In Support of The Three Hundred Sixty-First Omnibus Objection to Claims* [ECF No. 20114] (the "Order"), the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"), as sole Title III representative of the Commonwealth of Puerto Rico (the "Commonwealth") and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS," and together with the Commonwealth, the "Debtors") pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* ("PROMESA"),² respectfully states as follows:

1. On August 20, 2021 the Debtors filed the *Three Hundred Sixty-First Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims for Which Deficient Mailing Responses Were Received* [ECF No. 17921] (the "Three Hundred Sixty-First Omnibus Objection") seeking to disallow certain deficient claims, each as listed on Exhibit A thereto. As set forth in the Three Hundred Sixty-First Omnibus Objection, each of the claimant subject to the Three Hundred Sixty-First Omnibus Objection received a letter, substantially in the form of Exhibit 1 to the Authorized Mailings Order.³ All of the claimants subject to the Three

² PROMESA has been codified at 48 U.S.C. §§ 2101-2241.

³ "Authorized Mailings Order" refers to the *Order Granting in Part and Adjourning in Part Debtors' Motion for Entry of An Order (A) Authorizing Alternative Dispute Resolution Procedures, (B) Approving Additional Forms of Notice, (C) Approving Proposed Mailing, and (D) Granting Related Relief* [ECF No. 8453], which authorizes the Debtors to send mailings "to any claimant who has not provided sufficient information to enable Debtors to process their claim." Authorized Mailings Order ¶ 3. Further, the Authorized Mailings Order provides that "[i]f the Debtors mail the Proposed Mailing to a claimant, and the claimant either does not respond or responds but fails to provide sufficient information to permit Debtors to reconcile their claim, the Debtors are authorized to object to the claim as deficient."

Hundred Sixty-First Omnibus Objection responded to the mailings, but their responses still failed to provide the Debtors with the information necessary to object to reconcile their claims.

2. Proof of Claim No. 2221 (the “Villalongo Ortiz Claim”), which was filed by Hector M. Villalongo Ortiz (“Villalongo Ortiz”), is subject to the Three Hundred Sixty-First Omnibus Objection. Prior to the filing of the Three Hundred Sixty-First Omnibus Objection, Villalongo Ortiz submitted a response to a Mailing sent by the Debtors, attached hereto as Exhibit “A” (the “Villalongo Ortiz Mailing Response”). A certified translation of the Villalongo Ortiz Mailing Response is attached hereto as Exhibit “A-1.” In the Villalongo Ortiz Mailing Response, Villalongo Ortiz states that his claim arises from an “accident I had at work” while employed working at “sanitation.” Further, Villalongo Ortiz states that his claim arises from a pending litigation with an unpaid judgment, but does not provide the name, case number, or court or body where the litigation is pending. Accordingly, because the Villalongo Ortiz Mailing Response did not provide information sufficient to enable the Debtors to reconcile the Villalongo Ortiz Claim, the Debtors included the Villalongo Ortiz Claim on the Three Hundred Sixty-First Omnibus Objection.

3. On September 15, 2021, claimant Hector M. Villalongo Ortiz (“Villalongo Ortiz”) filed a response to the Three Hundred Sixty-First Omnibus Objection, which was docketed as ECF No. 18137 (the “Villalongo Ortiz Response”).

4. On February 2, 2022, the Debtors submitted their *Reply of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to the Response Filed by Hector M. Villalongo Ortiz [ECF No. 18137] to the Three Hundred Sixty-First Omnibus Objection (Non-Substantive) to Deficient Claims with Respect to Which Deficient Mailing Responses Were Received [ECF No. 19983]* (the “Reply”). The Reply

summarized the assertions contained in the Villalongo Ortiz Mailing Response. Further, the Reply noted that the Villalongo Ortiz Response again states that the claim arises out of a pending legal action with an unpaid legal judgment, but the only case number provided is the case number for the Commonwealth's Title III case, and the title or caption of the litigation is identified as "Promesa Title III."

5. On February 11, 2022, the Court issued the Order. Therein, the Court quoted from the Reply's summary of the assertions contained in the Villalongo Ortiz Mailing Response. Order at 1-2. The Court then stated that it understood the summary to refer to the Villalongo Ortiz Response, rather than the Villalongo Ortiz Mailing Response. Because "the description of Mr. Villalongo Ortiz's response quoted above does not appear to correspond to the [Villalongo Ortiz] Response filed on the docket," the Court further directed the Oversight Board to file an informative motion "addressing the above-described discrepancy, including whether Mr. Villalongo Ortiz submitted materials in support of his claim other than the Response and proof of claim no. 2221." *Id.* at 2.

6. As explained above, the language quoted by the Court in the Order refers to the Villalongo Ortiz *Mailing* Response, not the Villalongo Ortiz Response. Specifically, in the Villalongo Ortiz Mailing Response, Villalongo Ortiz states that the claim is for an "accident I had at work" under section 3(d), which asks the claimant to explain the nature of the claim. Villalongo Ortiz Mailing Response at 2. Further, Villalongo Ortiz checks "yes" under section 4 regarding whether the claim "relate[s] to a pending or closed legal action." *Id.* He also states that he was employed at the "sanitation" department under section 4(a), which asks the claimant to identify the department or agency that is a party to the legal action. *Id.* Finally, Villalongo Ortiz states that the action is "pending" under section 4(e) regarding the status of the case, and circles "yes"

under section 4(f) regarding whether there is an unpaid judgment. *Id.* Like all claimants subject to the Three Hundred Sixty-First Omnibus Objection, Villalongo Ortiz submitted the Villalongo Ortiz Mailing Response prior to the filing of the Three Hundred Sixty-First Omnibus Objection, but the Villalongo Ortiz Mailing Response still did not contain information sufficient to enable the Debtors to reconcile the Villalongo Ortiz Claim.

Dated: February 15, 2022
San Juan, Puerto Rico

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer